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SUBJECT: NEPAL: COURT ORDERS MILITARY ACTION IN SURUWAL CASE

REF: A. 06 KATHMANDU 1117
[1](#)B. 05 KATHMANDU 0665 AND PREVIOUS

[1](#)1. (U) In a surprising and positive development, the District Court in Kavre ordered the military to take action in one of Nepal's highest-profile human rights cases, the 2005 murder of 15-year-old Maina Suruwal. The Court ordered the Nepal Army Adjutant General to suspend Major Niranjan Basnet, the only one of the four accused remaining in the army (the three others have retired). The Court further ordered the Adjutant General to send statements of 13 military witnesses. (Note: The Nepal Army claims it has already investigated and punished those involved in the Suruwal killing, although the Office of the High Commissioner for Human Rights (OHCHR) and others believe the investigation was not thorough and punishment very light. End note.)

[1](#)2. (SBU) OHCHR's Fredrick Rawski told P/E Chief September 22 that the Kavre Court's decision was "very important." It established very specific benchmarks for the Nepal Army, putting to test new Chief of Army Staff Gurung's stated commitment to promote human rights. Asked why the court took such a courageous decision at this time, Rawski noted that a new judge -- apparently older and not in good health -- had recently taken over the case. One of the deficiencies in the judgment, Rawski suggested, is the lack of timelines for compliance.

[1](#)3. (SBU) Comment: The District Court decision in this important human rights case is an encouraging development. Post will work with OHCHR, other diplomatic missions, and Nepali civil society leaders to press the Army to comply with the court ruling. The decision demonstrates that the Nepal judiciary can act independently and forcefully, even taking on a powerful institution like the Nepal Army. The decision also puts new Chief of Army Staff Gurung on the spot, with the international community, human rights advocates, and his own officer corps carefully watching his next step. End Comment.
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